

## KLAMATH COUNTY PLANNING COMMISSION

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE REQUEST FOR )  
VARIANCE FOR 70' to 5' FOR CLANCY )  
NEWHALL NO. 80-19 )

O R D E R

THIS MATTER having come on for hearing upon the application of Clancy Newhall for a Variance numbered 80-19 for a rear yard setback by the Klamath County Planning Commission on real property described as Township 39, Range 9, Section 12, Tax Lot 3000, Klamath County, Oregon. Public hearing having been heard by the Klamath County Planning Commission on September 23, 1980, wherefrom the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission approved Variance No. 80-19 for rear yard setback from 70' to 5'.

The Planning Commission makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT:

1. The Planning Commission found per testimony from applicant that there are extraordinary and exceptional circumstances which apply to this property because of a drainage ditch location on property and unusual shape of property.
  2. The Planning Commission found that there were other properties in the area zoned commercial which did not have these extraordinary circumstances.
  3. The Planning Commission found that the variance is necessary for the preservation of the substantial property rights of
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1 the applicant which is possessed by other property owners in the  
2 area.

3 4. The Planning Commission found that the Variance for the rear  
4 yard setback from 70' to 5' is the minimum Variance which will  
5 alleviate the hardship and serve the best economical use.

6 5. The Planning Commission also found that the Findings of  
7 Fact from Zone Change 80-40 will be incorporated into this Order.

8 CONCLUSIONS OF LAW:

9 1. There are exceptional or extraordinary circumstances or  
10 conditions applicable to the property involved which do not apply  
11 generally to other property in the same vicinity and zone.

12 2. A variance is necessary for the preservation and enjoyment  
13 of a substantial property right of the applicant which right is  
14 possessed by other property owners under like conditions in the  
15 same vicinity and zone.

16 3. The granting of the requested Variance will not be material-  
17 ly detrimental to the public health, safety, convenience and  
18 welfare or injurious to the property improvements in the same  
19 vicinity and zone in which the property affected is located and  
20 will not be contrary to the intent of this Ordinance.

21 4. The Variance requested is the minimum variance from the  
22 provisions and standards of this regulation which will alleviate  
23 the hardship.

24 NOW, THEREFORE, it is hereby Ordered that the application for  
25 Variance No. 80-19 for rear yard setbacks from 70' to 5' on a

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1 parcel of land zoned CM (Commercial Manufacturing) for Clancy  
 2 Newhall on subject property is hereby approved.

3 DONE AND DATED this 28th day of October, 1980.

4  
 5 Chairman

6 [Signature]

7 Vice-Chairman

8 [Signature]

9 Member

10 G. R. Moty

11 Member

12 [Signature]

13 Member

14 Georgia Dahlinger

15 Member

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17 Member

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19 Member

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21 Member

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23 APPROVED AS TO FORM: STATE OF OREGON; COUNTY OF KLAMATH; ss.  
 24 Boivin & Boivin

25 By: [Signature] filed for record at request of Klamath County  
 this 29th day of October A. D. 1980 at 3:16 clock P M., or

26 duly recorded in Vol. 180, of Deeds on Page 21045

27 By: [Signature] Wm D. MILNE, County Clerk

28 No Fee

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